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7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 DAVID SAMPSON HUNTER,  
11 Plaintiff,  
12 v.  
13 ROUSE, et al.,  
14 Defendant.  
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No. 2:20-cv-0159 WBS DB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

16 Plaintiff is a county inmate proceeding pro se with a civil rights action seeking relief  
17 under 42 U.S.C. § 1983. Presently before the court is plaintiff's motion for reconsideration.  
18 (ECF No. 31.) For the reasons set forth below, the court will recommend that plaintiff's motion  
19 be denied.

20 By order dated May 15, 2020, the district court found that plaintiff had accrued three  
21 strikes under 28 U.S.C. § 1915(g) prior to filing this action. (ECF No. 24.) Plaintiff was directed  
22 to pay the filing fee within forty-five days. Thereafter, plaintiff sought and was granted  
23 additional time to pay the filing fee. (ECF Nos. 25, 30.) Plaintiff moved for an injunctive relief  
24 directing his bank to release funds to pay the filing fee. (ECF No. 25.) The court denied his  
25 request and provided instructions for paying the filing fee. (ECF No. 30.)

26 Thereafter, plaintiff moved for reconsideration. (ECF No. 31.) That motion was denied,  
27 and plaintiff was informed that failure to pay the filing fee within thirty days would result in a  
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1 recommendation that this action be dismissed. Those thirty days have passed, and plaintiff has  
2 not paid the filing fee. Accordingly, the court will recommend that this action be dismissed.

3 Plaintiff has however filed an “emergency motion for force clean-up.” (ECF No. 36.)  
4 Plaintiff’s motion does not relate to the payment of the filing fee or his underlying claim in this  
5 action. Therefore, the court will deny the motion.

6 For the reasons set forth above, IT IS HEREBY ORDERED that plaintiff’s emergency  
7 motion (ECF No. 36) is denied.

8 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

9 These findings and recommendations will be submitted to the United States District Judge  
10 Assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after  
11 being served with these findings and recommendations, plaintiff may file written objections with  
12 the court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
13 Recommendations.” Plaintiff is advised that failure to file objections within the specified time  
14 may result in a waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d  
15 1153 (9th Cir. 1991).

16 Dated: April 29, 2021

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22 DEBORAH BARNES  
23 UNITED STATES MAGISTRATE JUDGE  
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DB:12  
DB:1/Orders/Prisoner/Civil.Rights/hunt0159.f&r.fee(2)